

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
AT CINCINNATI**

TINA L. MCQUEEN, Administrator of	:	CIVIL ACTION NO. 0-1-02-155
the Estate of Robert W. McQueen, Jr.	:	
	:	
Plaintiff,	:	
	:	Judge Weber
vs.	:	
	:	
BARGE VESSEL OR 4797, et al.	:	
	:	
Defendants.	:	

IN RE: MIDLAND ENTERPRISES, INC.

C-1-02-639

AMENDED JOINT STATUS REPORT

The parties have reached a tentative settlement with respect to the wrongful death action. In exchange for the payment of \$30,000.00, the parties have agreed to resolve the wrongful death action and all other related tort claims. Plaintiff specifically reserves all rights arising under the Ohio Bureau of Workers' Compensation for benefits paid or payable as a result of the injuries and death of Robert W. McQueen, Jr. It is the intent of the parties that this settlement in no way affect Robert W. McQueen, Jr.'s survivors' eligibility and right to continue to participate in the Workers' Compensation Fund and/or to receive future benefits from the Ohio Bureau of Workers' Compensation relating to the injuries and death of Robert W. McQueen, Jr.

The Plaintiff will dismiss with prejudice her claims against all the Defendants. Midland Enterprises and its affiliated companies and vessels will dismiss cross claims against Osage and CGB as they relate to limitation and indemnity or contribution pertaining to the tort claims. CGB

will dismiss its third party complaint against Cincinnati Bulk Terminals.

Midland Enterprises will pursue the action with respect to contractual indemnity from CGB. Additionally, it has recently been discovered that CNA/MOAC issued a protection and indemnity insurance policy for the time period in question naming Midland Enterprises and its affiliated companies as additional insureds. Midland Enterprises has acquired permission from CGB and CNA/MOAC to resolve the tort claims reserving rights to pursue claims in contract for indemnity from CGB and coverage and indemnity from CNA/MOAC. It may be necessary to institute an additional action or amend the within action to include CNA/MOAC.

With respect to the wrongful death claims, Tina McQueen must obtain probate approval. We anticipate that can be done within the next 30-45 days.

Respectfully submitted,

/s/ Donald C. Adams, Jr.

Donald C. Adams, Jr.

Rendigs, Fry, Kiely & Dennis, LLP

One West Fourth St., Suite 900

Cincinnati, Ohio 45202-3688

Phone: (513) 381-9361

Counsel for Defendant, Barge Vessel OR
4797 and Midland Enterprises, Inc.

/s/ Steven C. Schletker per authorization

Steven C. Schletker

Schletker, Hornbeck & Moore

415 Garrard Street

Covington, Kentucky 41011

(859) 491-7487

Counsel for Claimant, Tina McQueen

/s/ Ronald E. Fox per authorization

Ronald E. Fox

Fox & Galvin

One Memorial Dr., 8th Floor

St. Louis, Missouri 63102

(314) 588-7000

Counsel for Osage Marine Services Inc.

/s/ Douglas E. Hart per authorization

Douglas E. Hart

Frost Brown Todd LLP

2200 PNC Center

201 East Fifth Street

Cincinnati, Ohio 45202

(513) 651-6709

Counsel for Cincinnati Bulk Terminals

/s/ Steven B. Belgrade per authorization

Steven B. Belgrade

Belgrade & O'Donnell PC

Civic Opera Building

20 North Wacker Drive

Chicago, Illinois 60606

(312) 422-1700

Counsel for Claimant, Consolidated
Grain & Barge Co.

/s/ Vincent P. Antaki per authorization

Vincent P. Antaki

Reminger & Reminger, Co., L.P.A.

7 West Seventh St., Suite 1900

Cincinnati, Ohio 45202

(513) 721-1311

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by facsimile and regular

U.S. mail, postage prepaid, this 8th day of September, 2003 to:

Steven C. Schletker, Esq.
Schletker, Hornbeck & Moore
415 Garrard Street
Covington, Kentucky 41011

Steve Belgrade, Esq.
Belgrade & O'Donnell, PC
Civic Opera Building
20 North Wacker Drive
Chicago, Illinois 60606

Ronald E. Fox, Esq.
Fox Galvin, LLC
One Memorial Drive, 8th Floor
St. Louis, Missouri 63102

Douglas Hart, Esq.
Frost Brown Todd LLP
2200 PNC Center, 201 E. Fifth St.
Cincinnati, Ohio 45202

Vincent P. Antaki
Reminger & Reminger, Co., L.P.A.
7 West Seventh St., Suite 1900
Cincinnati, Ohio 45202

/s/ Donald C. Adams, Jr.

Donald C. Adams, Jr.

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